IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

Bail Appl..No. 6467 of 2007()

[CRIME NO.387/2007 OF NEMOM POLICE STATION]

.....

: PETITIONERS/ACCUSED 1 TO 3

1. MOHANAN, S/O. SAKTHIDHARAN NAIR,
AGED 47, CHANDRODAYAM VALIYODE OTTASEKHARAMANGALAM
P.O. (H.S.A., JANARDHANAPURAM HIGH SCHOOL).

2. RAJESH KUMAR, S/O. THANKAPPAN THAMPY,
ASWATHY BHAVAN, PANAYARAKKONAM, VELLARADA P.O.
(H.S.A., JANARDHANAPURAM HIGH SCHOOL).

3. ANIL KUMAR, S/O. BHASKARA PILLAI,
KRISHNA NIVAS, PALUKAL,
(O.P.S.A., JANARDHANAPURAM HIGH SCHOOL).

BY ADV. SRI.S.V.PREMAKUMARAN NAIR
SRI.R.T.PRADEEP

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6467 of 2007

Dated this the 23rd day of October, 2007

ORDER

Application for anticipatory bail. Petitioners are accused 1 to 3. They face allegations in a crime registered under Section 306 I.P.C. The deceased was a colleague of the petitioners. Unable to stand the insult and taunts heaped on him by his colleagues, the deceased is alleged to have committed suicide. The deceased had left a suicide note which explained the reasons that was prompting him to commit suicide. In that note, it is made clear that it is his inability to stand the improper conduct of his colleagues that prompted him to commit suicide. Crime has been registered. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent of the allegations levelled against them. By no stretch of imagination can it be said that the petitioners intended that the deceased must commit suicide or in any way contemplated that he may commit suicide. In these circumstances, even assuming that the petitioners are guilty of any conduct which pained the deceased it cannot at all be assumed that they had abetted the commission of suicide by the deceased, submits counsel.

3. The learned Public Prosecutor does not oppose the application for anticipatory bail and I am satisfied in the facts and circumstances to which I have already made brief reference that the petitioners can be granted anticipatory bail.

4. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 30.10.07. They shall be enlarged on regular bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 31.10.07 and 01.11.2007 and thereafter between 10 a.m and 12 noon on all Mondays for a period of two months. Subsequently the petitioners shall make themselves available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 30.10.07 as directed in clause (1) above, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each without any sureties undertaking to appear before the learned Magistrate on 30.10.2007.

(R.BASANT, JUDGE)

rtr/-